United Nations A/64/PV.72

General Assembly
Sixty-fourth session

Official Records

72nd plenary meeting
Friday, 26 February 2010, 10 a.m.
New York

President: Mr. Ali Abdussalam Treki ..... (Libyan Arab Jamahiriya)

The meeting was called to order at 10.40 a.m.

Agenda item 136 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (A/64/631/Add.4)

The President (*spoke in Arabic*): I should like, in keeping with established practice, to draw the attention of the General Assembly to documents A/64/631/Add.4, in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communication contained in documents A/64/631 and A/64/631/Add.1, Add.2 and Add.3, Chile and the Sudan have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter. May I take it that the General Assembly duly takes note of the information contained in these documents?

It was so decided.

Agenda item 64 (*continued*)

Report of the Human Rights Council

Report of the Secretary-General (A/64/651)

Draft resolution (A/64/L.48*)

The President (*spoke in Arabic*): Members will recall that at its 31st plenary meeting on 30 October 2009 and at its 36th, 37th and 39th plenary meetings on 4 and 5 November 2009, the Assembly held a debate on the reports of the Human Rights Council contained in documents A/64/53 and Add.1. Members will also recall that, at its 39th plenary meeting on 5 November 2009, the Assembly adopted resolution 64/10.

I give the floor to the representative of Qatar to introduce draft resolution A/64/L.48*.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): At the outset, allow me to express our appreciation to you, Mr. President, for convening this important meeting of the General Assembly in follow up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict, widely known as the Goldstone report (A/HRC/12/48). We thank you for your positive and timely response to the request of the Group of Arab States to convene this meeting following the Secretary-General's submission of his report (A/64/651) pursuant to the request made by the Assembly in its resolution 64/10 of 5 November 2009.

We further thank Secretary-General Ban Ki-moon for his submission of that report and express our deep appreciation to him for his firm and consistent calls for full respect for international law, for the protection of civilians in all circumstances, and for the realization of accountability and justice.

We believe that our meeting today constitutes yet another crucial step in the international community's efforts to uphold international law and in its struggle to end impunity, to deter future violations of international law and to promote real peace through the exertion of serious efforts aimed at ensuring accountability and justice for the grave breaches of international humanitarian law and human rights committed during the Israeli military operations in the Gaza Strip last

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year, which caused extensive loss of life and injury and vast destruction and devastation from which the besieged Palestinian civilian population, including children and women, regrettably and tragically continues to suffer to this day.

I have the honour, on behalf of the sponsors, to introduce draft resolution A/64/L.48*, entitled "Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict (II)". The draft resolution represents an important procedural follow-up to resolution 64/10, bearing in mind that the Secretary-General, in his report to the General Assembly, notes that "no determination can be made on the implementation of the resolution by the parties concerned" (*A/64/651, para. 11*). In that respect, we believe it necessary for the Assembly, in promoting accountability and justice, to call once again on the parties concerned to comply with the calls made in its previous resolution in this regard.

In its preambular part, the draft recalls the General Assembly's relevant resolutions, including resolution 64/10 on follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict. The remainder of the preamble is devoted to recalling and reaffirming relevant instruments and principles of international law, including international humanitarian and human rights law. This includes the Fourth Geneva Convention and its applicability to the occupied Palestinian territory, including East Jerusalem, as well as the human rights covenants. The draft resolution also reaffirms the obligation of all parties to respect international humanitarian and human rights law, reiterates the importance of the safety and well-being of all civilians, and reaffirms the obligations under international law regarding the protection of civilians in armed conflict.

Moreover, the draft stresses the need to ensure accountability for all violations of international humanitarian and human rights law in order to prevent impunity, ensure justice, deter further violations and promote peace, and, in this connection, expresses the conviction that achieving a peaceful settlement to the question of Palestine is imperative for the ultimate attainment of lasting peace and stability in the Middle East.

In the operative paragraphs, the draft takes note of the Secretary-General's report of 4 February 2010, submitted pursuant to paragraph 6 of resolution 64/10. Paragraph 2 reiterates the call upon the Government of Israel to conduct investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission towards ensuring accountability and justice. Paragraph 3 reiterates the Assembly's urging for the conduct by the Palestinian side of investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, towards ensuring accountability and justice.

The draft also reiterates the recommendation to the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention, to reconvene as soon as possible a Conference of High Contracting Parties on measures to enforce the Convention in the occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with common article 1, bearing in mind the convening of the Conference in 1999 and 2001 and the statement and declaration adopted at that time. Finally, the draft once again requests the Secretary-General to report to the General Assembly, within a period of five months, on the implementation of the present draft resolution, with a view to the consideration of further action, if necessary, by the relevant United Nations organs and bodies, including the Security Council.

On behalf of all the sponsors, I express our deep hope for the broadest possible support for this important and serious draft resolution. The international community is duty-bound to remain firm and steadfast in its efforts to uphold international law and United Nations resolutions, and to ensure accountability and justice in all circumstances, including with regard to the situation in the occupied Palestinian territories, including East Jerusalem. In this regard, we are certain that the General Assembly's adoption of this draft resolution will make a constructive and significant contribution to these principled efforts.

Ms. Shalev (Israel): We are convened here today to vote on a draft resolution (A/64/L.48*) presented by the Arab Group in reaction to the Secretary-General's report of 4 February 2010 (A/64/651). In the aftermath of Operation Cast Lead, Israel is conducting and will continue to conduct investigations that are

independent, credible and in conformity with international law. Such investigations are conducted by us after any military operation, as part of our law and practice. The investigations after Operation Cast Lead are detailed in the reports of the State of Israel that were shared, and will continue to be shared, with the United Nations.

On the other hand, the Palestinian submission to the Secretary-General cannot genuinely address the conflict between the State of Israel and the Hamas terrorist entity. For, who exactly is the "Palestinian side" in the proposed draft resolution, the side that is urged to undertake investigations that are independent and credible and conform to international standards?

Can the Palestinian Authority conduct an investigation in Gaza, from which it was violently ousted in a bloody coup? Or, in contrast, do we really believe that the terrorist Hamas organization will investigate its use of human shields, its appalling methods of targeting civilians and its cynical use of schools, hospitals and mosques as weapons of terror?

The Goldstone report (A/HRC/12/48) fails to address the threat of asymmetric warfare and terrorism that uses civilians as shields and targets. Let me state clearly: Israel will never neglect its duty to defend its citizens, its existence, its democracy and its freedom. We will do so with vigour against Hamas, Hizbullah or any other terrorists, wherever they may be.

As Israel faces this existential threat, we remain committed to acting in accordance with international law and the law of armed conflict. This basic obligation is a reflection of our values as a democracy and our belief that human life must be protected.

It is this belief that drives our call to resume peace negotiations without preconditions. It is this belief that drives our desire for peace.

The President (*spoke in Arabic*): We have heard the last speaker in the debate on this item. We shall now proceed to take action on draft resolution A/64/L.48*, entitled "Second follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict". I now give the floor to the representative of the Secretariat.

Mr. Botnaru (Department for General Assembly and Conference Management): I take the floor to announce that since the submission of draft resolution A/64/L.48*, the following countries have become sponsors of the draft resolution: Iraq, South Africa, the Sudan and Bangladesh.

The President (*spoke in Arabic*): A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Andorra, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Cambodia, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Greece, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Monaco, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Portugal, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe

Against:

Canada, Israel, Micronesia (Federated States of), Nauru, Panama, the former Yugoslav Republic of Macedonia, United States of America

Abstaining:

Albania, Australia, Belarus, Bulgaria, Burkina Faso, Burundi, Colombia, Côte d'Ivoire, Croatia, Czech Republic, Georgia, Germany, Guatemala, Hungary, Italy, Latvia, Liberia, Lithuania, Mexico, Montenegro, Netherlands, Papua New Guinea, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia, Ukraine

Draft resolution A/64/L.48 was adopted by 98 votes to 7, with 31 abstentions* (resolution 64/254).

[Subsequently, the delegations of Afghanistan, Armenia, Belarus, Ghana, Grenada, Guyana, the Lao People's Democratic Republic, the Philippines, and Uzbekistan advised the Secretariat that they had intended to vote in favour.]

The President (*spoke in Arabic*): Before giving the floor to speakers in explanation of vote on the resolution just adopted, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Thalassinós (Panama) (*spoke in Spanish*): Today, the General Assembly has adopted resolution 64/254, entitled "Second follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict". This new text, which follows up on resolution 64/10 of 5 November 2009, suffers from the same lack of objectivity. Consequently, the Republic of Panama voted against the resolution, and we shall remain against a document that fails to take due process into account.

The resolution just adopted, just as the previous resolution did in its operative paragraphs 3 and 4, once again urges the Israeli Government and the Palestinian Authority to carry out investigations that are independent, credible and in conformity with international standards into the alleged violations of international humanitarian law.

The Republic of Panama is entirely in agreement with these fair requests. Yet the problem lies in the fact that both resolutions prejudge the results of the investigations that both the Israeli Government and the Palestinian Authority are to carry out. On the basis of this document, both parties to the conflict have been declared guilty beforehand, without the balance that is necessary on this delicate issue. The text of the resolution anticipates the outcome. While it is necessary to ensure that those responsible are held accountable and are brought to justice, this cannot be done on the basis of a resolution whose text prejudges the outcome. It is logical that such premature condemnation will never result in what all of us in this room yearn for — a peace process that respects international law and the rights of both peoples to live in peace, security, justice and harmony.

Panama consistently upholds the principles of the United Nations Charter and defends the relevant standards and principles of international humanitarian law. Thus, Panama will never trivialize its position on a case that seems more like an inquisition than the pursuit of what is right and fair. Let it be perfectly clear that our vote was neither against our Palestinian brothers nor in favour of our Israeli brothers. It was a vote for justice and impartiality.

Panama again reiterates that the investigation process must be just, objective and reliable. That is why the Republic of Panama voted against the resolution.

Mrs. Grau (Switzerland) (*spoke in French*): In its capacity as depositary of the Geneva Conventions, Switzerland has striven resolutely to follow the recommendation made in resolution 64/10. It has already given an account of the progress of its preliminary consultations to the Secretary-General in report A/64/651.

Resolution 64/254, adopted by the General Assembly today, indicates that Switzerland should continue its efforts. A second round of consultations open to all high contracting parties and other interested parties will commence on the sidelines of the thirteenth session of the Human Rights Council.

Switzerland believes that a conference of high contracting parties should be inclusive, seek to enhance respect for international humanitarian law and not echo political discussions for which other forums exist. In its consultations, Switzerland will be guided by the concern to protect the civilian populations and to ensure that their humanitarian and security needs, causes of grave concern in the current circumstances, are met.

We remind the high contracting parties and other interested parties of the importance of their cooperation and contribution during those consultations on the modalities and outcomes expected from the Conference.

Mr. Wolff (United States of America): The United States remains deeply concerned about the pain and suffering endured by Palestinians and Israelis alike. We continue to believe that the best solution is to achieve a comprehensive peace in the region, including two States, Israel and Palestine, living side by side in peace and security. There is no substitute for direct negotiations between the parties leading to the creation of a Palestinian State, and we should all be working to advance the cause of peace, not to hinder it. To that

end, we must safeguard the ongoing efforts to restart permanent status negotiations between Israel and the Palestinians.

The United States strongly supports accountability for any human rights and humanitarian law violations in relation to the Gaza conflict. Our goal in that regard remains to have the domestic authorities carry out thorough, independent and credible investigations of allegations of such violations. In that regard, we note Israel's submission of a detailed 46-page report to the Secretary-General, providing information on its domestic investigations, and we note that the Palestinian Authority has recently established an independent investigative commission. The issues raised by resolution 64/254 that are related to last year's conflict in Gaza should be resolved by credible domestic investigations and their follow-up.

We continue to believe that the report of the United Nations Fact-Finding Mission on the Gaza Conflict, widely known as the Goldstone report (A/HRC/12/48), is deeply flawed. We have previously noted shortcomings that include its imbalanced focus on Israel, the negative inferences that it draws about Israel's intentions and actions, and its failure to deal adequately with the asymmetrical nature of the Gaza conflict and to assign appropriate responsibility to Hamas for deliberately targeting civilians and basing itself and its operations in heavily civilian-populated urban areas.

The Goldstone report is also problematic in its many overreaching recommendations and its sweeping legal and political conclusions. Like the resolution just adopted, the report contains a counterproductive recommendation to convene the high contracting parties to the Fourth Geneva Convention and an inappropriate attempt to press action on the Security Council. The resolution that the General Assembly has just adopted reflects several of the same problems as the predecessor that it recalls. For those reasons, we voted against the resolution.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): Today, the General Assembly is meeting for the second time in only four months to consider the follow-up to its discussion on the implementation of the recommendations of the Goldstone report (A/HRC/12/48) on the war crimes and crimes against humanity perpetrated by Israel against the Palestinians during its aggression against Gaza.

Our meeting is being held primarily owing to Israel's failure to respect resolution 64/10 and its refusal to submit a report in response to the report. That position has just been affirmed by the representative of Israel, who stated that Israel carries out investigations in the aftermath of any aggression it carries out in the region. She claimed that Israel informs the United Nations of such investigations. That means that Israel is flouting resolution 64/10. It is as if Israel were bestowing a gift on the international community or the United Nations.

This Israeli position accurately reflects the attitude that that country has always held — ever since its establishment through a United Nations decision — in considering itself above the law in a historic context known to all. This Israeli position shows scorn for international law and resolutions. Israel's exemption from the obligation to respect the rules of international law and the provisions of the Charter and its continuous violations of resolutions of international legitimacy have undermined the credibility of collective international action and have caused the United Nations to lose the international community's faith in its importance, prestige and status, while upholding a logic of the abuse of power and excessive force and a policy of double standards.

The delegation of the Syrian Arab Republic voted in favour of the resolution that we have just adopted, which holds Israel responsible for the crimes committed during its aggression against Gaza, on the basis of Syria's faith in the justice of the Palestinian cause and the legitimate struggle of the Palestinian people for the liberation of their land from occupation and their right to self-determination. Israel's persistent refusal to respect hundreds of resolutions of international legitimacy, including resolution 64/10, requires us to take measures today that will hold it accountable for its crimes in order to achieve justice and fairness for the victims of that barbarous Israeli aggression and to preserve the remaining credibility of the norms of international law and the principles and purposes of the Charter.

Here, my country's delegation wishes to underscore that international law contains no provisions for holding occupied peoples accountable for resisting occupation. Quite the contrary, international law explicitly affirms the right of such peoples to struggle for their rights. International agreements related to international humanitarian law,

in particular the Geneva Conventions, have affirmed the responsibility of the occupying Power to protect peoples under occupation. They make no reference to the right of the occupying Power to kill civilians under its occupation.

Moreover, that right is enshrined in the text of the Charter that led to the birth of our Organization. Dozens of Member States represented here today are proud — and rightly so — of having achieved their membership through their struggle against colonialism and foreign occupation. We therefore reject any suggestion in the resolution equating the illegal practices of the Israeli occupier, on the one hand, and acts of legitimate resistance, on the other.

We believe that any such suggestion has no legal basis, since it is Israel that has been occupying Palestinian territories for decades. It is Israel that has used internationally banned weapons to kill children, women and elderly and innocent people in Palestine. It is Israel that continues to establish settlements in the occupied Palestinian territories and to destroy houses in occupied Jerusalem, driving out its inhabitants and depriving them of their right to live in their own city and homeland. It is Israel that persists in blockading Gaza and cutting down olive trees, the symbols of peace. It is Israel that continues to undertake terrorist assassinations both within and beyond Palestine, as it did in Dubai, as everyone knows.

Hence, reversing the facts and trying to put the aggressor and the attacked party on an equal footing is tantamount to denying the reality of events and to distorting the facts uncovered by the Goldstone report and its recommendations. It is a denial of the right of the occupied people to resist occupation. Syria, like many others that share its beliefs, cannot accept that truths should be represented as falsehoods and that oppression and crime should triumph over justice and law. No one can falsify history, distort geography and rob the language of law of its essence in the body in which we are gathered.

Mr. Schaper (Netherlands): I am speaking on behalf of the Czech Republic, Hungary and the Netherlands. Our countries abstained in the voting on resolution 64/254 and wish to explain their vote as follows.

In our view, the resolution contains elements that are positive, but also elements that cause concern. On the one hand, we recognize and welcome that efforts have been made to make the resolution less unbalanced than previous resolutions pertaining to the follow-up of the Goldstone report (A/HRC/12/48). We also welcome the elements that underline the need for independent investigations by the parties.

On the other hand, we note that the resolution is silent on the difference in the follow-up until now by the parties concerned. The Israeli authorities are undertaking an ongoing investigation and have shared its interim findings with the Secretary-General, while the Palestinian Authority has until now only set up a committee. We feel that the resolution could and should have more adequately reflected those realities.

We are also concerned that we are again confronted with an operative paragraph calling for a Conference of the High Contracting Parties to the Fourth Geneva Convention. In our view, pursuing that track does not do justice to the letter sent by Switzerland to the Secretary-General, which states that, of the three categories of reactions, only one category was in favour, while the other categories were either firmly opposed or not enthusiastic, and therefore there was not a dominant trend. However, more important, we feel that such a Conference would most probably be politicized and will therefore be detrimental to the efforts to relaunch the Middle East peace process. In that context, let me reiterate that it is our conviction that this matter should be pursued, first of all, in Geneva, and not in New York.

Mrs. Juul (Norway): While international humanitarian law and the protection of civilians in armed conflict are key issues of human dignity and of utmost importance to Norway, at a time when we see that the right of civilians to protection under international humanitarian law is under increasing pressure due to the nature of modern conflict, it is our obligation to work to ensure that those rules are respected by all parties to a conflict and that all those responsible for the violation of international humanitarian law are held accountable.

We believe that the main focus of resolution 64/254 is relevant and constructive. We particularly appreciate the focus on process, as well as the efforts of the main sponsors to address the key concerns of many United Nations Members, including Norway, thereby obtaining broader support. The effectiveness of the message is significantly enhanced by that approach. Norway supports the main message of the resolution —

that investigation by the parties should be independent and credible and comply with international standards. Further, we support the role of the Secretary-General in monitoring the national investigations.

For those reasons, Norway voted in favour of the resolution.

Mr. Khazaee (Islamic Republic of Iran): We have today adopted another resolution on the follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), and I would like to explain the position of my delegation on that resolution.

We voted in favour of resolution 64/254. However, we want to put on record our dismay over the lack of meaningful progress on the prosecution of war crimes committed during last year's Israeli onslaught against Gaza. Of course, since that date, the Israeli regime continues to defy the will of the international community and persists not only in continuing the blockade of the Palestinians in Gaza, but also in assaulting the Islamic and Christian holy places in Jerusalem.

Tel Aviv recently decided to add the Al-Ibrahimi mosque in Al-Khalil and the Bilal mosque in Bethlehem, along with the walls of the Old City of Jerusalem, to its heritage list. It also dispatched a death squad to Dubai to assassinate Mahmoud Al-Mabhouh, using fake or fraudulent European passports. Had the international community been able to punish those responsible for the crimes committed in Gaza, perhaps we would not have witnessed such new atrocities.

Finally, although the resolution adopted is unbalanced and unfair in its treatment of Israel, the occupying Power, which committed so many abhorrent crimes against the Palestinian side, it still provides some degree of hope for action to be taken by the relevant bodies of the United Nations, including the Security Council, in order to put an end to the culture of impunity for Israeli war crimes and crimes against humanity.

Mr. Rugunda (Uganda): The peace process in the Middle East is at a delicate and critical juncture. There is an urgent need for practical steps to be taken on the ground towards the resumption of negotiations. Uganda voted in favour of resolution 64/254 because we are convinced that the international community should encourage the parties to undertake their own credible investigations into the conduct of the Gaza conflict. We are convinced that these investigations can contribute positively to the healing and confidence-building that are so essential at this point in time in the Middle East. This is the understanding with which we have supported today's resolution. It does not in any way change our previous position of abstention with respect to resolution 64/10.

Finally, all parties in the Middle East need to take concrete steps to restart peace negotiations. Uganda will continue to support the efforts of all parties to achieve comprehensive, just and lasting peace in the Middle East.

Mr. Takasu (Japan): We appreciate the effort of the Secretary-General in preparing the report (A/64/651) on this matter. We take note of the ongoing investigation of the Government of Israel and of the process that has been initiated by the Palestinian side. Japan decided to support resolution 64/254, just adopted, because it is based on the spirit of respecting international humanitarian law and international human rights law. We sincerely hope that this process will not have a negative effect on efforts to achieve a comprehensive, just and lasting peace in the Middle East.

Mr. Quinlan (Australia): Australia was deeply saddened by the events of December 2008 and January 2009 in the Gaza Strip and southern Israel. As we have made clear on a number of occasions in the General Assembly, the Security Council and the Human Rights Commission, Australia supports the proper investigation of allegations of violations of human rights and international humanitarian law during that conflict. We voted against resolution 64/10 in November because of a number of concerns arising from the language of that text and because of the flawed nature of the Goldstone report (A/HRC/12/48) that the resolution was based on.

We decided to abstain in the voting on resolution 64/254 because we recognize that it reflects genuine efforts to overcome differences and because it concentrates on the need for the investigations arising from the Gaza conflict, which are essential. Our vote on today's resolution, however, does not change the continuing concerns we hold about the lack of balance, the scope and recommendations of the Goldstone report, or our strong preference that the parties be allowed sufficient time to pursue their investigations.

We believe it vital that discussions relating to the Goldstone report remain constructive. It is important to work to bring the parties together, rather than drive them apart through unhelpful rhetoric or actions. We also believe that now is not the time to convene a conference of the high contracting parties to the Fourth Geneva Convention. Doing so would result in a politicized debate that would be counterproductive, we think, to peace efforts. Indeed, Australia firmly believes that the current situation of ongoing conflict, insecurity and uncertainty is neither acceptable nor in the interests of Israel, the Palestinians, the Middle East region or the broader international community, and we urge all parties to resume peace negotiations as a matter of compelling urgency.

Mr. McLay (New Zealand): New Zealand wishes to explain its vote on resolution 64/254. New Zealand has consistently called for investigations into alleged violations of human rights and humanitarian law arising from the conflict in Gaza in December 2008 and January 2009. We have stated that those investigations should be credible, independent and conducted to internationally accepted standards. We recognize and appreciate the efforts of Israel so far and the fact that these have been reported to the Secretary-General. We look forward to Israel and Palestine continuing their efforts.

New Zealand abstained in the voting on resolution 64/10, which the General Assembly adopted on 5 November 2009, because it endorsed a report of the Human Rights Council (A/HRC/12/48) on a special session that included a biased, one-sided resolution that New Zealand could not endorse. Because there is no such reference in the present resolution and because we support the investigations, we have now joined those voting in favour of this resolution. Above all, New Zealand seeks a just, enduring and comprehensive peace settlement based on the two-State solution, with Israel and Palestine living side by side in peace and security. We call on the parties to resume negotiations to that end.

Mr. Askarov (Uzbekistan): The Government of Uzbekistan fully supports the findings and recommendations of the report of the Secretary-General (A/64/651) and resolution 64/10.

Mr. Moraes Cabral (Portugal): Portugal voted in favour of resolution 64/254, which we have just adopted, because we believe in the importance of appropriate investigations of all alleged breaches of international law and international humanitarian law in all situations. We consider that resolution 64/10, which we also supported, played an important role in encouraging Israel and the Palestinian side to launch a process of investigation. Portugal takes positive note of the first steps taken by the parties in this regard. We hope that the adoption of this resolution will constitute a definitive step in the pursuit of appropriate accountability, completing the implementation of recommendations contained in resolution 64/10.

Mr. Kleib (Indonesia): The position of my delegation is loud and clear. We support the Goldstone report (A/HRC/12/48) and would like to have its recommendations fully and consistently implemented. A comprehensive solution should be established in order to ensure accountability and justice with regard to the conflict in the Gaza Strip last year. For that reason, Indonesia supports the follow-up to the report of the United Nations Fact-Finding Mission to the Gaza Conflict by United Nations organs and bodies.

Without a doubt, Israel deployed excessive and disproportionate use of force and collective punishment during the Gaza Strip conflict. It is the people of Gaza who suffered through the war. They continue to bear the brunt of Israeli aggression. They are in serious humanitarian distress even as we speak and are being denied access to their basic humanitarian and reconstruction needs. In effect, they continue to be the victims of a process in which it now appears as if they were equal contributors to their own punishment. We do not believe that a situation of equal treatment for perpetrators and victims alike can be said to be just.

We are concerned, therefore, that the wording of resolution 64/254 does not clearly reflect an appropriate balance or that it can ensure that justice will prevail in the near future for the people of Gaza. Despite that shortcoming, Indonesia supported the resolution that has just been adopted. It is our strong wish that it be fully implemented without any further delay.

The President: We have heard the last speaker in explanation of vote after the voting.

I now give the floor to the observer of Palestine.

Mr. Mansour (Palestine): I would like to begin by expressing the gratitude of Palestine to all those who were able to venture out in this massive

snowstorm to come to this room today to participate in the adoption of a very important resolution. We thank them all and regret that 56 delegations were unable to make it. I am sure that the snow is the reason. However, the trend is obvious and clear. The number of those opposed to the essence of the resolution and the resolutions adopted previously is shrinking; it moved from 18 in opposition the last time to seven this time. I think that that is a victory for all of us, for the victims among the Palestinian people and for international humanitarian law.

I also wish to begin by expressing to you, Mr. President, Palestine's deep appreciation for convening this meeting of the General Assembly to ensure the continuity of the principled efforts of the international community to follow up the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), also known as the Goldstone report. As we all know, along with the many other investigative reports issued in the aftermath of last year's Israeli military aggression against the Gaza Strip, that pivotal report exposed the true scope and scale of the grave breaches of international humanitarian law and human rights abuses committed by Israel against the defenceless and besieged Palestinian civilian population under its occupation.

In our ongoing quest to end impunity and to ensure accountability for crimes committed and justice for the victims, we have returned to the General Assembly following its initial effort to follow up the Goldstone report with the adoption of resolution 64/10 in November. In that regard, we express our thanks to Secretary-General Ban Ki-moon for his recent submission of a report (A/64/651), as requested by the Assembly in resolution 64/10.

We have given due consideration to the Secretary-General's report, in particular his observation that no determination could be made as to the implementation of the resolution's provisions. In our efforts at this stage of the follow-up process, as reflected in the clear and focused content of resolution 64/254, which has just been overwhelmingly adopted by the Assembly and as affirmed by the Arab Group, we reiterate that we interpret that observation to mean that the Israeli paper annexed to the Secretary-General's report does not constitute compliance, as it does not fulfil the call for independent and credible investigations that conform to international standards into the serious violations reported by the Fact-Finding Mission. The Assembly has therefore reiterated its call on Israel for independent and credible investigations to ensure accountability and justice for the crimes committed.

At the same time, as by the end of the reporting period the Palestinian side had only been at the preliminary stage of its effort to conduct and independent and credible investigation as called for by resolution 64/10, the resolution adopted today also once again urges the Palestinian side to conduct such an investigation. We reaffirm that we take that responsibility upon ourselves very seriously, based on our deep conviction in and respect for the rule of law, including humanitarian and human rights law, and for United Nations resolutions.

As such, the independent investigative commission that has been established by presidential decree has set out to undertake the necessary steps to fulfil its mandate, in accordance with the recommendation of the Fact-Finding Mission and pursuant to resolution 64/10, to ensure accountability and justice. Therefore, in the coming five-month reporting period defined by the resolution just adopted, Palestine intends to carry out, in the most efficient manner, an independent and credible investigation into the allegations made in the report of the Fact-Finding Mission and to submit a substantial response to the Secretary-General.

Furthermore, in that regard, we reiterate that we do so not on the basis of any symmetry or proportionality between the Palestinian people under occupation and Israel, the occupying Power, for there is no equivalence whatsoever between the scope, scale, intensity and gravity of the Israeli aggression and crimes against our people and actions by the Palestinian side. Rather, we do so based on our firm belief that our adherence to international law and the fulfilment of our responsibilities can only further enhance collective efforts to uphold international law, including in particular those laws explicitly intended to ensure the safety, well-being and protection of civilians in armed conflict in all circumstances.

Moreover, we do so based on our firm belief that such efforts will enhance our collective efforts to end the culture of impunity in which Israel, the occupying Power, has so arrogantly, flagrantly and aggressively conducted itself for far too long without repercussions. Acting above the law, Israel has inflicted untold

suffering and devastation on the Palestinian people it has oppressed for over four decades in the occupied Palestinian territory, including East Jerusalem. Its course has gravely undermined the applicability and credibility of international law.

It is high time to end and reverse this destructive, obscene pattern of behaviour by Israel. That begins with ensuring accountability by punishing those responsible for the perpetration of war crimes against innocent civilians and with ensuring justice for the many victims of those crimes. In this regard, we stress that our quest for accountability will not end until we achieve justice for the thousands of Palestinian victims — children, women and men — who have suffered under Israeli occupation and who look to the international community to ensure that justice is served and international law upheld and respected equally in all circumstances.

Further, in this connection we cannot overemphasize the importance of the reaffirmation in the resolution we have adopted with regard to the applicability of the Fourth Geneva Convention to the occupied Palestinian territory, including East Jerusalem, and to the relevant human rights instruments. Respect and ensuring respect for the Convention, in accordance with common article 1, is paramount and is an obligation that all high contracting parties must uphold with utmost seriousness. We thus welcome the reiteration by the Assembly of the recommendation to Switzerland, in its capacity as the depositary of the Geneva Conventions, to reconvene as soon as possible a Conference of High Contracting Parties on measures to enforce the Convention in the occupied Palestinian territory, including East Jerusalem.

The occupied Palestinian territory cannot remain the exception to the rule when it comes to respecting the provisions of the Convention, which explicitly aims to ensure the protection of civilians in time of war, including in situations of foreign occupation. Practical measures are clearly needed to enforce respect for the Convention. We thus hope that the Conference will be reconvened in the timeliest manner and will build upon the important comprehensive declaration adopted by the high contracting parties in December 2001.

I wish to conclude by expressing Palestine's genuine and deepest gratitude and appreciation to all of the Member States that voted in favour of resolution 64/254 today. Their principled support is a clear reaffirmation of their conviction in the rule of law, including international humanitarian and human rights law, and their collective commitment to upholding the law in all circumstances, including with regard to the situation in the occupied Palestinian territory. It is also a clear reflection of their desire and efforts to prevent impunity, ensure justice and deter further violations of the law, all of which are imperative in our long quest to promote a just, lasting, comprehensive and peaceful settlement of the question of Palestine, for peace cannot be attained without justice.

I reiterate our thanks for the overwhelming and principled support of the General Assembly, and I thank you very much once again, Mr. President.

The President: The Assembly has thus concluded this stage of its consideration of agenda item 64.

The meeting rose at 11.45 a.m.